

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
vs.)	CRIMINAL ACTION 05-00345-KD-N
)	
STEVE EUGENE RUSSO,)	
Petitioner.)	

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 and dated April 9, 2013 (Doc. 615), is **ADOPTED** as the opinion of this Court with the exception of the recommendation regarding the Petitioner’s Certificate of Appealability.

Accordingly, it is **ORDERED** that the Petitioner’s Motion to Correct, Set Aside or Vacate Sentence (Doc. 567) is **DENIED**.

However, it is recommended that because reasonable jurists could find the district court’s assessment of the constitutional issues debatable, the Petitioner be allowed a Certificate of Appealability.¹

DONE and ORDERED this the 29th day of **April 2013**.

/s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE

¹ Petitioner has retained counsel; thus no *in forma pauperis* determination was necessary.